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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of California-American Water Company (U210W) for Approval of the Monterey Peninsula Water Supply Project and Authorization to Recover All Present and Future Costs in Rates.

Application 12-04-019
(Filed April 23, 2012)

**RULING SETTING FORTH UPDATED SCHEDULE
AND ADDRESSING OTHER MATTERS**

1. Updated Schedule

At the hearing held on December 2, 2013, Mr. Svindland of California-American Water Company (Cal-Am) provided additional information regarding the timing of the bore hole drilling and analysis, in response to my questions. (RT 2159:12 – 2161:2). I have consulted with Energy Division Staff working on the Draft Environmental Impact Report (DEIR) that will be issued in compliance with the California Environmental Quality Act (CEQA) regarding the schedule for publishing the DEIR. Staff informs me that Cal-Am has not yet received clearance from the City of Marina to drill additional bore holes at the Cemex site. Those bore holes would provide additional information on the hydrogeologic conditions in the area of the site.

As set forth in the proposed Comprehensive Settlement Agreement, after the bore holes are drilled, the hydrogeology technical group will meet and prepare a technical memo that will be served on parties, and the available analysis will be incorporated into the models for the DEIR. The issuance of the

DEIR will be delayed. The updated schedule is set forth below for Phase 1 (which considers the issuance of a Certificate for Public Convenience and Necessity (CPCN) for the project):¹

CPCN Track		CEQA Track	
January 20, 2014	Opening Briefs on Settlement Proposals		
February 14, 2014	Closing Briefs on Settlement Proposals		
		3 rd Quarter 2014	DEIR circulated for comment
15 days after issuance of DEIR	Cal-Am to file and serve a common outline for legal and policy briefs, after consultation with parties		
		45 days after issuance of DEIR	Comments on DEIR due
60 days after issuance of DEIR	Common Outline Opening Briefs filed and served on legal and policy issues		
75 days after issuance of DEIR	Reply Briefs filed and served on legal and policy issues		
		1 st Quarter 2015	DEIR published
1st Quarter 2015	Phase 1 Proposed Decision addressing certification of FEIR and issuance of CPCN		
1st Quarter 2015	Target for Commission Action on Phase 1 PD		

¹ To the extent that these dates land on weekends or holidays, parties shall adhere to the computation of time requirements set forth in Rule 1.15.

The schedule for Phase 2, which was set forth in President Peevey's Amended Scoping Memo Ruling, dated September 25, 2013, remains unchanged.

2. Declaration of Drought by Governor Brown

On Friday, January 17, 2014, Governor Brown proclaimed a State of Emergency due to current drought conditions. I direct Cal-Am to file and serve a compliance filing no later than February 7, 2014 that describes the impacts, if any, of the emergency proclamation on this proceeding. Interested parties may file and serve comments on the compliance filing no later than February 21, 2014.

3. Communications from Stephen Collins and Motion filed by Public Trust Alliance

As set forth in my e-mail of December 9, 2013, I received three e-mails from Stephen Collins, dated December 6, 2013, December 7, 2013, and December 9, 2013. I instructed Mr. Collins to remove my name from the mass e-mail list that he is using and have also instructed the Information Technology Department at the Commission to ensure that I do not receive communications from Mr. Collins. I briefly skimmed the e-mails and did not read the attachments. The e-mails and attachments are included in this Ruling so that parties are fully apprised.

On December 5, 2013, Public Trust Alliance (PTA) filed and served a motion requesting the production of additional evidence as to whether the proposed Settlement Agreements would be consistent with the requirements of CEQA. As has been stated several times, most recently in the Amended Scoping Memo and Ruling dated September 25, 2013, evidentiary hearings on the environmental reporting track will not be convened. Parties to the Proposed Settlement Agreement represent that to "the extent any of the measures in the

Settlement Agreement are incompatible with those in the Final DEIR, only those in the Final DEIR will be pursued.”² At any rate, the Commission must evaluate the proposed Settlement Agreements in light of the environmental documents, as is clearly provided for in the schedule for this proceeding. PTA’s motion is therefore denied.

Therefore, **IT IS RULED** that:

1. The updated schedule for Phase 1 is set forth in this Ruling.
2. No later than February 7, 2014, California-American Water Company shall file and serve a compliance filing that details the impact, if any, on this proceeding of Governor Brown’s proclamation of a drought State of Emergency issued on January 17, 2014. Interested parties may file and serve comments on the compliance filing no later than February 21, 2014.
3. To the extent that the dates set forth in this ruling fall on a weekend or holiday, parties shall adhere to the computation of time requirements set forth in Rule 1.15.
4. The communications and attachments sent to me by Stephen Collins are attached to this Ruling.

² Settling Parties Motion to Approve Settlement Agreement, dated July 31, 2013, at 9.

5. The motion filed and served by Public Trust Alliance on December 5, 2013 is denied.

Dated January 27, 2014, at San Francisco, California.

/s/ ANGELA K. MINKIN

Angela K. Minkin
Administrative Law Judge